



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

May 26, 2010

H. Kendrick Sanders
3905 Railroad Avenue, 200 North
Fairfax, VA 22030

Re: Special Exception Amendment Application SEA 85-L-137
(Concurrent with Rezoning Application RZ 2008-MV-007)

Dear Mr. Sanders:

At a regular meeting of the Board of Supervisors held on May 25, 2010, the Board approved Special Exception Amendment Application SEA 85-L-137 in the name of JK Investments, Incorporated. The subject property is located at 8850 Richmond Highway on approximately 8.82 acres of land zoned C-8, CRD, HC and HD in the Mount Vernon District [Tax Map 109-2 ((1)) 13A]. The Board's action amends Special Exception Application SE 85-L-137 previously approved for uses in a floodplain to permit an increase in Floor Area Ratio (FAR) and associated modifications to site design and development conditions pursuant to Sections 9-606 and 9-622 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals are marked with an asterisk (*):

1. This Special Exception Amendment is granted for and runs with the land associated with this application and is not transferable to other land.*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Generalized Development Plan/Special Exception Amendment Plat associated with this application, as qualified by these development conditions.*
3. A copy of this Special Exception Amendment and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

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4. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the Generalized Development Plan/Special Exception Amendment Plat entitled "J. K. Investments Inc. Property" prepared by EMSI Engineering, and dated February 2008 as revised through September 1, 2009, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Part 4 of Section 9-004 of the Zoning Ordinance.
5. Transitional screening planting shall be provided along the northern boundary of the site in accordance with Article 12 of the Zoning Ordinance, as determined by UFMD, DPWES.
6. Prior to site plan approval, a license agreement with Fairfax County and/or VDOT shall be entered into by the applicant as may be necessary, to permit landscaping to be planted and maintained along the Application Property's Richmond Highway frontage, as shown on the GDP/SEA Plat.
7. Prior to site plan approval, it shall be demonstrated that permission has been granted in writing by Virginia Dominion Power, as may be necessary, to permit landscaping to be planted and maintained within the overhead power line easement along the Application Property's Richmond Highway frontage, as shown on the GDP/SEA Plat.
8. A Hold Harmless agreement shall be executed with the County for all adverse effects which may arise as a result of the location of the site within a floodplain area, prior to approval of a grading plan.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction of either Building "B" or "C" has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception Amendment. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

The Board also:

- Modified the transitional screening requirement along the Old Mill Road frontage of the subject property to that shown on the GDP/SEA plat.
- Waived the barrier requirement along the Old Mill Road frontage of the subject property.
- Directed the Department of Public Works and Environmental Services staff to return any site plan for the property to the Planning Commission for review and comment prior to approval.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor Gerry Hyland, Mount Vernon District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation